IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TENNESSEE AT KNOXVILLE

CYNTHIA TURNAGE, DONN STELZER)	
and BRET FREEMAN, on behalf of)	
themselves and all others similarly situated,)	
)	
Plaintiffs,)	No.: 3:03-CV-00341
)	
VS.)	
)	
NORFOLK SOUTHERN CORPORATION)	
and NORFOLK SOUTHERN RAILWAY)	
COMPANY,)	
)	
Defendants.)	
	,	

NOTICE OF APPEAL

NOTICE is hereby given by the Plaintiff that the Plaintiff, Bret Freeman, hereby appeals to the United States Court of Appeals for the Sixth Circuit from the Final Judgment entered in this action on July 25, 2007.

Respectfully submitted, this 21st day of August, 2007.

BALL AND SCOTT LAW OFFICE

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CERTIFICATE OF SERVICE

I, Gordon Ball, do hereby certify that a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system. The undersigned also certifies that he has this date served a copy of the foregoing upon counsel of record for the Defendant in this cause by delivering a copy thereof in the United States Mail addressed to said counsel with sufficient postage thereon to carry the same to its destination as follows:

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This 21st day of August, 2007.

/s/ Gordon Ball
Gordon Ball